

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO.: 05-336M
)
Plaintiff,)
)
v.) DETENTION ORDER
)
JOSE UMANA-GARCIA,)
)
Defendant.)
_____)

Offense charged:

Illegal Reentry after Deportation

Date of Detention Hearing: Initial Appearance June 30, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is charged with re-entering the United States illegally after deportation.

(2) Defendant has a criminal history which includes hit and run attended, inhaling fumes, assault, robbery, deportation proceedings, negligent driving in the 1st degree, removal proceedings, and a number of probation violations and warrants issued for failure to attend

01 hearings.

02 (3) The defendant was not interviewed by Pretrial Services. He is believed to be a
03 native and citizen of Mexico. There is no additional information regarding his personal history,
04 residence, family ties, ties to this District, income, financial assets or liabilities, physical/mental
05 health or controlled substance use, if any.

06 (4) An immigration detainer has been filed. Based on this, the defendant does not
07 contest detention.

08 (5) The defendant poses a risk of nonappearance based on his status as a native and
09 citizen of Mexico, unknown background information, history of failing to appear, and immigration
10 detainer. He is a risk of danger based on criminal history.

11 (6) There does not appear to be any condition or combination of conditions that will
12 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
13 to other persons or the community.

14 It is therefore ORDERED:

15 (1) Defendant shall be detained pending trial and committed to the custody of the
16 Attorney General for confinement in a correction facility separate, to the extent
17 practicable, from persons awaiting or serving sentences or being held in custody
18 pending appeal;

19 (2) Defendant shall be afforded reasonable opportunity for private consultation with
20 counsel;

21 (3) On order of a court of the United States or on request of an attorney for the
22 Government, the person in charge of the corrections facility in which defendant is
23 confined shall deliver the defendant to a United States Marshal for the purpose of
24 an appearance in connection with a court proceeding; and

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01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United States
03 Pretrial Services Officer.

04 DATED this 30th day of June, 2005.

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07 Mary Alice Theiler
08 United States Magistrate Judge
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